

Attorney Docket No. W-0024

REMARKS/ARGUMENTS

Claims 1 to 10 and 12 are pending in the present application.

The Examiner has issued a final rejection of Claims 1 to 9 under 35 U.S.C. § 102(a) as being anticipated by St. Clair et al (U.S. Patent Publication No. 2003/0176574 A1) for the reasons set forth in paragraph 2 of the non-final office action issued November 24, 2004. This rejection is respectfully traversed.

In the final rejection, the Examiner notes that St. Clair et al (on page 9, claim 1, subsection e) clearly claim a SBS block copolymer having a midblock ranging from a small midblock (20%) to a large midblock (80%). Applicants respectfully disagree with this statement and submit that while the words "small" and "large" are used in terms of subsection "e" of claim 1 of St. Clair et al (along with the respective percentages of 20% and 80%), these terms reference the weight percent of mono alkenyl arene present in the hydrogenated block copolymer, not to the molecular weight of the midblock or the weight percentage of the midblock.

St. Clair et al disclose a controlled distribution block copolymer of the general formula S-EB/S-S. Accordingly, the polymer disclosed in St. Clair et al differs from that of the present invention since the polymer of the present invention is an S-EB-S type polymer (the EB block of the copolymer of the present invention is not a controlled distribution block and does not contain mono alkenyl arene). Therefore, since the polymers differ, the invention claimed in St. Clair et al does not anticipate claims 1 to 9 of the present invention.

St. Clair et al do disclose as a comparative example a S-EB-S polymer (referred to as a conventional hydrogenated SBC) in a VOC exempt solvent (see SEBS #2 in

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Example 9 and Table 9). This copolymer also does not anticipate claims 1 to 9 of the present invention. Since SEBS #2 is not the copolymer claimed by St. Clair et al but is instead a comparative example, the definitions set forth in claim 1 of St. Clair et al do not apply for defining this comparative example. We must instead look to the definition set forth in Example 9. This definition states that the number average molecular weight for the midblock is about 65,000, considerably higher than the EB block of the present block copolymer.

In the present invention, a composition comprised of a hydrogenated block copolymer dissolved in a mixture of one or more hydrocarbon solvents and one or more VOC-exempt solvents is claimed. The block copolymer used in the present invention is a very specific polymer having from 60 to 80 weight percent diblock, a molecular weight of the styrene homopolymer blocks from 5,000 to 10,000 and a polystyrene content of 41 to 50 %. For there to be this relatively high styrene content as specified in Claim 1, section "a", subsection "iv" (from 41% to 51% by weight), the block copolymer must be a relatively small EB midblock. For instance, a coupled polymer (S-EB)₂ falling midrange of the parameters claimed would have an EB block having a molecular weight of approximately 9,000—far below that disclosed in the comparative example of St. Clair et al. Accordingly, the polymers of the present invention and those disclosed in St. Clair et al are not the same.

The Examiner also indicated that with regard to the "low viscosity, high solids content coating having low level of VOC" of claims 1 to 10, these are properties that are inherent to the SBS block copolymers of St. Clair et al. Applicants respectfully maintain that these are not inherent properties in all SBS block copolymers and that it is not clear that these would be inherent properties in the SBS block copolymers of St. Clair et al. As clearly noted in the background of the present application, the problem in the past has been to find solvent based formulations using current commercial hydrogenated SBC's


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that give VOC levels below 250 g/L while at the same time having acceptable viscosity for use in spray applications. Accordingly, this is not a property in all SBS block copolymers.

Claims 1 to 10 are submitted for reconsideration in view of the above remarks. The Examiner has indicated that Claim 12 is allowed. Applicant respectfully submits that all of the claims are now in condition for allowance. Accordingly, withdrawal of the rejection of the claims is requested and allowance of all of the claims is earnestly solicited.

Respectfully submitted,

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